REMARKS

Claims 1-16 are pending in this application. By this Amendment, claims 1 and 11 have been amended. No new matter has been added. Applicants respectfully request prompt examination and allowance of the pending claims.

Initially, Applicants thank Examiner Swenson for indicating that claims 10 and 14 contain allowable subject matter. Additionally, Applicants thank Examiner Swenson for the courtesies extended to Applicants' representative during the February 2, 2004 telephone conference. The substance of the telephone conference is incorporated into the remarks below.

In the Office Action, claims 1-9, 11-13, 15, and 16 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,054,570 to Naito et al. ("Naito") in view of U. S. Patent No. 6,076,622 to Chakraborty et al. ("Chakraborty"). Applicants respectfully traverse this rejection.

Naito does not disclose or suggest a compression ignition engine including, *inter alia*, an electronic controller that "disengages [an] advanced cruise control mode in response to receiving no valid communication signal from [an] advanced cruise control system for greater than a first period of time." To the contrary, Naito discloses a microcomputer 8 for selectively operating a cruise control system based on signals received from sensors such as a brake switch 2, a stop lamp switch 4, and a speed sensor 5. As discussed during the February 2, 2004 telephone conference, Naito does not disclose or suggest an advanced cruise control system, and thus does not disclose

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or suggest any communications between an advanced cruise control system and an electronic controller.

In the Office Action, the Examiner alleges that "Naito et al. teach of disengaging the advanced cruise control mode in response to receiving no valid communication signal for greater than a first period of time." Office Action, page 3. Applicants disagree with this allegation and reiterate that Naito does not disclose or suggest an advanced cruise control system or an advanced cruise control mode. Indeed, in the Office Action, the Examiner acknowledges that Naito teaches a "traditional cruise control, but do[es] not teach of an intelligent or advanced cruise controller." *Id.*

Moreover, Naito discloses a fault detecting means for detecting whether there is a fault in either a first switch (brake switch) or a second switch (stop lamp switch) for more than a predetermined time. Naito, Col. 2, lines 12-18. However, even if, for the sake of argument, Naito's system of sensors (brake switch, stop lamp switch, and speed sensor) were considered to be an advanced cruise control system, Naito does *not* disclose or suggest that the microcomputer 8 assesses whether at least one valid communication signal is received from among the brake switch 2, the stop lamp switch 4, and the speed sensor 5 during a first period of time. Further, Naito does not disclose disengaging a hypothetical advanced cruise control mode *in response to receiving no valid communication signal . . . for greater than a first period of time.* Therefore, Naito cannot and does not disclose or suggest an electronic controller that disengages an advanced cruise control mode in response to receiving no valid communication signal

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from an advanced cruise control system for greater than a first period of time, as recited in independent claim 1.

Furthermore, Chakraborty does not overcome the above-noted deficiencies of Naito, and is not relied upon for such teachings. The Examiner relies upon Chakraborty for the alleged teaching of an advanced cruise controller, and further alleges that Chakraborty can disable an intelligent cruise control and a traditional cruise control if an error or malfunction in a distance sensor is detected. Office Action, pages 3-4. Regarding the cruise control logic 120, Chakraborty discloses that a distance sensor:

> broadcasts a message via the CAN interface which includes ... the status of the sensor unit. ... If the sensor indicates an error or malfunction, then the intelligent cruise control and preferably the traditional cruise control is disabled.

Chakraborty, Col. 10, lines 7-15.

Even if, for the sake of argument, the sensor of Chakraborty were considered to be an advanced cruise control system, Chakraborty does not in any way disclose or suggest that the CAN interface 130 or the engine control module 134 assesses whether a communication signal is received from the distance sensor during a first period of time or whether such a signal, if received, is valid or invalid. Further, Chakraborty does not disclose disengaging an advanced cruise control mode in response to receiving no valid communication signal from the distance sensor system for greater than a first period of time.

Therefore, as discussed during the telephone conference, neither Naito nor Chakraborty, alone or in combination, discloses or suggests an electronic controller that disengages an advanced cruise control mode in response to receiving no valid

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communication signal from an advanced cruise control system for greater than a first period of time, as recited in claim 1.

For reasons similar to those discussed above in connection with claim 1, Naito and Chakraborty also fail to disclose or suggest the features of independent claim 11. Particularly, neither Naito nor Chakraborty, alone or in combination, discloses or suggests a method of controlling a compression ignition engine including, *inter alia*, "disengaging [an] advanced cruise control system as a function of not receiving one or more valid communication signals from [an] advanced cruise control system for a first time period." Accordingly, Applicants submit that the § 103(a) rejection of independent claims 1 and 11 based on Naito in view of Chakraborty should be withdrawn.

In addition, pending claims 2-10 and 12-16 depend from either claim 1 or 11. Consequently, claims 2-10 and 12-16, which depend from either independent claims 1 or 11, are allowable for at least the same reasons the independent claim from which they depend is allowable, as well as for their added features.

The Office Action contains characterizations of the claims and the related art with which Applicants do not necessarily agree. Unless expressly noted otherwise, Applicants decline to subscribe to any statement or characterization in the Office Action.

The Examiner is invited to call the undersigned at (202) 408-4252 if the Examiner deems that a telephone conversation would further the prosecution of the application.

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If there is any fee due in connection with the filing of this Reply, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: **February 3, 2004**

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